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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 KASHARD OMAR BROWN,

10 Petitioner,

11 vs.

12 BRIAN E. WILLIAMS, et al.,

13 Respondents.
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Case No. 2:11-CV-01058-JCM-(CWH)

ORDER

15 Petitioner, through a special appearance by counsel appointed for him in post-conviction
16 proceedings in state court, has submitted a petition for writ of habeas corpus (#1) and a motion for
17 appointment of counsel (#20). Petitioner is unable to afford counsel, and most issues¹ presented
18 warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

19 IT IS THEREFORE ORDERED that the clerk of the court file the petition.

20 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (#20) is
21 **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

22 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days
23 from the date that this order is entered to undertake direct representation of petitioner or to indicate
24 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender
25 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended
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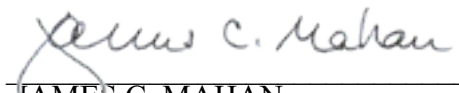
27 ¹Ground 8 is a claim of errors in the state post-conviction proceedings. These errors are not
28 addressable in federal habeas corpus. Franzen v. Brinkman, 877 F.2d 26, 26 (9th Cir. 1989). The
court will not dismiss ground 8 now because an amended petition, if new counsel chooses to file
one, would supersede the original petition.

1 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,
2 then the court shall appoint alternate counsel.

3 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
4 General for the State of Nevada, as counsel for respondents.

5 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney
6 General of the State of Nevada and the Federal Public Defender a copy of the petition (#1) and a
7 copy of this order.

8 DATED: August 26, 2011.

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11 JAMES C. MAHAN
12 United States District Judge
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